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Dkt. 59331-E/JPW/AJD/BWSL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James M. Binley et al.
Serial No.: 10/780,993
Filed: February 18, 2004
For: STABILIZED VIRAL ENVELOPE PROTEINS AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
July 7, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Supplemental Information Disclosure Statement is submitted under 37 C.F.R. §1.97(b)(3) to supplement the Information Disclosure Statement filed on March 26, 2004 in connection with the above-identified application.

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants direct the Examiner's attention to the following references certain of which are listed on the attached Form PTO-1449 (**Exhibit A**), and are attached hereto as **Exhibits 1-17**:

1. U.S. Patent No. 5,474,914, issued December 12, 1995 to R. Spaete (**Exhibit 1**);
2. U.S. Patent No. 6,171,596, issued January 9, 2001 to P. L. Earl et al. (**Exhibit 2**);
3. J. M. Binley et al., U.S. Provisional Application No.

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- 60/141,168, filed June 25, 1999 (now abandoned);
4. J. M. Binley et al., U.S. Serial No. 09/340,992, filed June 25, 1999 (now abandoned) **(Exhibit 3)**;
 5. J. M. Binley et al., U.S. Patent Application Publication No. 2003/0052839 A1, published March 20, 2003 **(Exhibit 4)**;
 6. J. M. Binley et al., U.S. Serial No. 10/117,366, filed April 5, 2002 (now abandoned) **(Exhibit 5)**;
 7. J. M. Binley et al., U.S. Provisional Application No. 60/370,410, filed April 5, 2002 (now abandoned);
 8. J. M. Binley et al., U.S. Provisional Application No. 60/317,909 filed September 6, 2001 **(Exhibit 6)**;
 9. Claims filed in J. M. Binley et al., U.S. Provisional Application No. 60/317,764 filed September 6, 2001 **(Exhibit 7)**;
 10. J. P. Moore et al., U.S. Provisional Application No. 60/317,910 filed September 6, 2001 **(Exhibit 8)**;
 11. Claims filed in J. P. Moore et al., U.S. Provisional Application No. 60/317,775 filed September 6, 2001 **(Exhibit 9)**;
 12. J. P. Moore et al., U.S. Provisional Application No. 60/370,264 filed April 5, 2002 **(Exhibit 10)**;

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13. Pending claims in J. P. Moore et al., U.S. Serial No. 10/489,040, filed March 5, 2004 (**Exhibit 11**);
14. N. Schülke et al., U.S. Provisional Application No.60/580,229, filed June 15, 2004 (**Exhibit 12**);
15. PCT International Application Publication No. WO 01/00648 A1, published January 4, 2001 (**Exhibit 13**);
16. PCT International Application Publication NO. WO 03/022869, published March 20, 2003 (**Exhibit 14**);
17. PCT International Application Publication No. WO 03/087757, published October 23, 2003 (**Exhibit 15**);
18. Cao, J., et al. (1993) Effects of Amino Acid Changes in the Extracellular Domain of the Human Immunodeficiency Virus Type 1 gp41 Envelope Glycoprotein, J. Virol. 67(5):2747-2755 (**Exhibit 16**); and
19. Letvin, N.L., 1998, Progress in the Development of an HIV-1 Vaccine, Science 280:1875-1880 (**Exhibit 17**).

The Examiner is respectfully requested to make these references of record in the present application by initialing and returning a copy of the enclosed Form PTO-1449.

37 C.F.R. §1.98(a)(2)(iii) provides that an Information Disclosure Statement shall include, for each cited pending U.S. application, a legible copy of the application specification including the claims and any drawing of the application, or that portion of the application which caused

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it to be listed including any claims directed to that portion. Under 37 C.F.R. §1.98(c), when the disclosures of two or more patents or publications listed in an Information Disclosure Statement are substantively cumulative, a copy of one of the patents or publications may be submitted without copies of the other patents or publications, provided it is stated that these other patents or publications are cumulative. In accordance with 37 C.F.R. §1.98(c), copies of certain references listed above are not being submitted herewith as they are cumulative.

Specifically, references 3 and 4 are cumulative to each other since each contains an identical specification. Therefore, a copy of reference 3 is not attached hereto.

References 6 and 7 are cumulative to each other since each contains an identical specification. Therefore, a copy of reference 7 is not attached hereto.

U.S. Provisional Application No. 60/317,909, filed September 6, 2001 (reference 8), and U.S. Provisional Application No. 60/317,764, filed September 6, 2001, are cumulative to each other since each contains an identical specification. Therefore, a copy of U.S. Provisional Application No. 60/317,764 is not attached hereto. However, in accordance with 37 C.F.R. §1.98(a)(2)(iii), a copy of the claims filed in U.S. Provisional Application No. 60/317,764 is attached hereto as Exhibit 7.

U.S. Provisional Application No. 60/317,910 filed September 6, 2001 (reference 10) and U.S. Provisional Application No. 60/317,775, filed September 6, 2001 are cumulative to each

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other since each contains an identical specification. Therefore, a copy of U.S. Provisional Application No. 60/317,775 is not attached hereto. However, in accordance with 37 C.F.R. §1.98(a)(2)(iii), a copy of the claims filed in U.S. Provisional Application No. 60/317,775 is attached hereto as Exhibit 9.

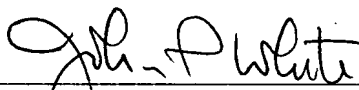
U.S. Serial No. 10/489,040, filed March 5, 2004 is a national stage application of PCT International Application No. WO 03/022869, published March 20, 2003 (reference 16). Therefore a copy of U.S. Serial No. 10/489,040 is not attached hereto. However, in accordance with 37 C.F.R. §1.98(a)(2)(iii), a copy of the claims pending in U.S. Serial No. 10/489,040 is attached hereto as Exhibit 11.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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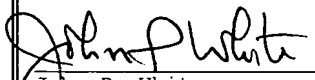
Pursuant to 37 C.F.R. §1.97(b)(3), no fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

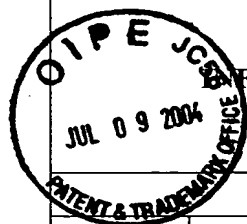
I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

 7/7/04
John P. White Date
Reg. No. 28,678

Form PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
59331-E
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10/780,993Applicant(s)
James M. Binley et al.Filing Date
February 18, 2004

Art Unit

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Examiner Initials	Exh No.	Document Number							Date	Name	Class	Subclass	Filing Date If Appropriate
	1	5	4	7	4	9	1	4	12/12/95	Spaete			
	2	6	1	7	1	5	9	6	01/09/01	Earl et al.			
		60	1	4	1	1	6	8		Binley et al.			06/25/99
	3	09	3	4	0	9	9	2		Binley et al.			06/25/99
	4	2 0 0 3 / 0 0 5 2 8 3 9							03/20/03	Binley et al.			
	5	10	1	1	7	3	6	6		Binley et al.			04/05/02
		60	3	7	0	4	1	0		Binley et al.			04/05/02
	6	60	3	1	7	9	0	9		Binley et al.			09/06/01
	7	Claims Filed in 6 0 / 3 1 7 , 7 6 4								Binley et al.			09/06/01
	8	60	3	1	7	9	1	0		Moore et al.			09/06/01
	9	Claims Filed in 6 0 / 3 1 7 , 7 7 5								Moore et al.			09/06/01
	10	60	3	7	0	2	6	4					04/05/02
	11	Pending Claims in 1 0 / 4 8 9 , 0 4 0								Moore et al.			03/05/04
	12	60	5	8	0	2	2	9		Schuelke et al.			06/15/04

FOREIGN PATENT DOCUMENTS

		Document Number							Date	Country	Class	Subclass	Translation	
													Yes	No
	13	0	1	0	0	6	4	8	01/04/01	PCT				
	14	03	0	2	2	8	6	9	03/20/03	PCT				
	15	03	0	8	7	7	5	7	10/23/03	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	16	Cao, J., et al. (1993) Effects of Amino Acid Changes in the Extracellular Domain of the Human Immunodeficiency Virus Type 1 gp41 Envelope Glycoprotein, <u>J. Virol.</u> 67(5):2747-2755; and											
	17	Letvin, N.L., 1998, Progress in the Development of an HIV-1 Vaccine, <u>Science</u> 280:1875-1880.											

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.